

**UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION**

**IN RE: MIDLAND CREDIT MANAGEMENT, INC.,
TELEPHONE CONSUMER PROTECTION ACT
(TCPA) LITIGATION**

MDL No. 2286

TRANSFER ORDER

Before the Panel: Plaintiff in the twelve actions listed on Schedule A (*Mack XIV-XXV*) moves under Panel Rule 7.1 to vacate our orders that conditionally transferred these actions to the Southern District of California for inclusion in MDL No. 2286. Defendants Encore Capital Group, Inc., Midland Funding, LLC, and Midland Credit Management, Inc. (collectively, Midland) oppose the motion.

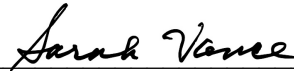
The actions in MDL No. 2286 involve allegations that Midland violated the Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227, by placing debt collection calls to debtors' cellular telephones using an automated dialer or an artificial or prerecorded voice, without the debtors' consent. *See In re Midland Credit Mgmt., Inc., Tel. Consumer Prot. Act Litig.*, 818 F. Supp. 2d 1377 (J.P.M.L. 2011).

Plaintiff, who is proceeding *pro se*, argues that *Mack XIV-XXV* should not be transferred to MDL No. 2286 because: (1) the Panel's conditional transfer orders did not comply with the requirements of 28 U.S.C. § 1407(c); (2) transfer would inconvenience plaintiff; (3) transfer will not promote the just and efficient conduct of these actions, but lead only to delay; (4) plaintiff does not intend to consent to being a member of any class action regarding TCPA issues with respect to Midland; and (5) common questions of fact have not yet been established, as there have been no initial disclosures or other discovery in these actions. These arguments against transfer are essentially identical to those we rejected with respect to thirteen prior actions filed by plaintiff (*Mack I-XIII*). *See* Transfer Order (*Mack VIII-XIII*), MDL No. 2286 (J.P.M.L. Jun. 8, 2015), ECF No. 600; Transfer Order (*Mack I-VII*), MDL No. 2286 (J.P.M.L. Apr. 2, 2015), ECF No. 532. We again do not find these arguments persuasive for the reasons previously expressed.

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IT IS THEREFORE ORDERED that the actions listed on Schedule A are transferred to the Southern District of California and, with the consent of that court, assigned to the Honorable Michael M. Anello for inclusion in the coordinated or consolidated pretrial proceedings.

PANEL ON MULTIDISTRICT LITIGATION



Sarah S. Vance
Chair

Marjorie O. Rendell
Lewis A. Kaplan
R. David Proctor

Charles R. Breyer
Ellen Segal Huvelle
Catherine D. Perry

**IN RE: MIDLAND CREDIT MANAGEMENT, INC.,
TELEPHONE CONSUMER PROTECTION ACT
(TCPA) LITIGATION**

MDL No. 2286

SCHEDULE A

Eastern District of Texas

MACK v. MIDLAND CREDIT MANAGEMENT, INC., C.A. No. 4:15-00218
MACK v. MIDLAND CREDIT MANAGEMENT, INC., C.A. No. 4:15-00219
MACK v. MIDLAND CREDIT MANAGEMENT, INC., C.A. No. 4:15-00234
MACK v. MIDLAND CREDIT MANAGEMENT, INC., C.A. No. 4:15-00235
MACK v. MIDLAND CREDIT MANAGEMENT, INC., C.A. No. 4:15-00251
MACK v. MIDLAND CREDIT MANAGEMENT, INC., C.A. No. 4:15-00252
MACK v. MIDLAND CREDIT MANAGEMENT, INC., C.A. No. 4:15-00306
MACK v. MIDLAND CREDIT MANAGEMENT, INC., C.A. No. 4:15-00309
MACK v. MIDLAND CREDIT MANAGEMENT, INC., C.A. No. 4:15-00317
MACK v. MIDLAND CREDIT MANAGEMENT, INC., C.A. No. 4:15-00318
MACK v. MIDLAND CREDIT MANAGEMENT, INC., C.A. No. 4:15-00329
MACK v. MIDLAND CREDIT MANAGEMENT, INC., C.A. No. 4:15-00330